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2 **Phoenix Fresh Start Bankruptcy**  
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8 **UNITED STATES BANKRUPTCY COURT**  
9 **DISTRICT OF ARIZONA**

10 In re: )  
11 RUSSELL J PATOCKA, ) Chapter: 13  
12 ) Case No. 2:14-bk-07773-MCW  
13 and )  
14 ) MOTION TO REOPEN CASE  
15 MICHELLE L PATOCKA. )  
16 )  
17 Debtors )

18 **MOTION TO REOPEN CASE FOR THE LIMITED PURPOSE OF FILING DEBTORS'S**  
19 **CERTIFICATE OF ELIGIBILITY FOR CHAPTER 13 DISCHARGE AFTER**  
20 **COMPLETION OF PLAN PAYMENTS AND TO ENTER AN ORDER OF DISCHARGE**  
21 **AND CLOSE THE CASE**

22 Debtors, Russell J Patocka and Michelle L Patocka, by and through their attorney, Thomas  
23 McAvity, move this Honorable Court for entry of an Order Reopening the Case, allowing them to  
24 file their Certificate of Eligibility for Chapter 13 Discharge After Completion of Plan Payments  
25 and enter an Order of Discharge and Close the case, and in support thereof respectfully represents  
as follows:

1. On May 21, 2014, Debtors filed a petition for relief under Chapter 13 of the Bankruptcy Code.
2. On October 2, 2019, Trustee, Russell Brown, filed his Notice of Completed Plan.
3. On January 23, 2021 the Chapter 13 Trustee, Russell Brown, filed a Final Report and Account of the administration of the estate pursuant to 11 U.S.C. § 1302(b)(1).

- 1 4. That on January 30, 2020 this case was closed without a discharge because Debtors had  
2 not filed their certification pursuant to 11 U.S.C § 1328 and Local Rule 2084-26. (See  
3 Exhibit 1).
- 4 5. Pursuant to Fed. R. Civ. P. 5010 a case may be reopened on motion of the Debtor or  
5 other party in interest pursuant to §350(b) of the Code. Section 350(b) of the Code  
6 permits the “reopening in court in which such case was closed to administer assets, to  
7 accord relief to the Debtor, or for other cause.”
- 8 6. Debtors’ failure to file their required certification was inadvertent. Debtors’ prior  
9 attorney, Mari Jo Clark, withdrew from this case on February 19, 2019 which left  
10 Debtors, *Pro Se*. Debtors believed that they had completed their Chapter 13 Plan and  
11 were mistaken as to their obligation to file their required certification.
- 12 7. Debtors have made all Plan payments, filed their Certificates of Personal Financial  
13 Management Instructional Courses, filed their Certificate of Eligibility for Chapter 13  
14 Discharge After Completion of Plan Payments, and have otherwise completed all  
15 requirements entitling them to a Chapter 13 Discharge.

16  
17 WHEREFORE, DEBTORS pray that this Honorable Court enter an Order Reopening the  
18 Case, allowing the Debtors to file their Certificate of Eligibility for Chapter 13 Discharge After  
19 Completion of Plan Payments and Request an Order of Discharge and Close their case.

20 Dated: March 24, 2022

21  
22 Respectfully submitted:

23 /s/ Tom McAvity  
24 Tom McAvity, 034403  
25 Phoenix Fresh Start Bankruptcy  
4602 E Thomas Rd, Ste S-9  
Phoenix, AZ 85018

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**CERTIFICATE OF SERVICE**

This is to certify that the foregoing was submitted on March 24, 2022 in the United States Bankruptcy Court for filing and transmittal of notice of electronic filing to the United States Trustee, the Chapter 13 Trustee and the ECF registrants appearing in this case.

By: /s/Tom McAvity